

AMENDMENTS TO THE CLAIMS:

The listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claim 1. (Original) A method for creation of a personalized playlist of programming, the playlist comprising sequentially played identifiable items of content from available sources of program material wherein:

a user selects a base channel that includes a playlist of content that may be played on a user device, the playlist of the base channel being immediately unchangeable and identical for a plurality of users;

AI alternate sources of content offer items that are continuously available for use as substitutions for items of the playlist of the base channel as the base channel plays, at least one substitute item being used in the personalized playlist;

the user reacts to items of the playlist of the base channel, whereby a side channel distinct from the base channel is created that reflects a user preference, the user preference defined at least in part by a user's reactions to items that have played on either of the base channel or the side channel, the side channel including the personalized playlist and being assembled substantially from items of the base channel and the alternate sources;

a customizer operates with the user device to determine in near real time which substitute items are included in the personalized playlist, the customizer using at least two

criteria to define a sequence of items to play in the personalized playlist, a first criteria comprising the user preference, and a second criteria comprising the time availability of items provided by the alternate sources near the moment the customizer determines that a substitute item should be included in the sequence of items played;

a first suitable item from a first alternate source being buffered in a memory facility linked to the user device before the first suitable item is needed for use in the side channel, the first suitable item being unidentified to the user unless it is played on the user device;

the base channel and the alternate source of content are streaming broadcast sources that are available to a plurality of users of a data system;

an undesired item is streamed by a provider of programming on either of the base channel or the side channel, the undesired item is identified by the customizer as not meeting the first criteria, and the first suitable item plays on the side channel from a beginning of the first suitable item as a substitute for the undesired item;

the user device is configured whereby the listener may immediately select either one of the base channel and the side channel.

Claim 2. (Original) The playlist creation method of claim 1 wherein a second suitable item is streamed from a second alternate source at a beginning later than a beginning of the first suitable item streamed by the first alternate source, and the second suitable item begins at the second alternate source before it is needed for play on the side channel, the second suitable item being a better fit to the first criteria than the first

suitable item, the first suitable item being removed from the memory facility in favor of the second suitable item.

Claim 3. (original) The playlist creation method of claim 1 wherein the substitute items have two distinct types of value, a value of creative content and an opportunity value of time availability for use as a substitute item in the side channel.

Claim 4. (Original) The playlist creation method of claim 3 wherein a provider of the alternate source receives an opportunity value payment from a provider of the base channel when an item from the alternate source is substituted into the personalized playlist.

Claim 5. (Original) The playlist creation method of claim 1 wherein an alternate source comprises a hidden channel, the hidden channel is not available for use as a base channel, and the hidden channel serves a primary function to provide items of content as components for use in assembling personalized playlists.

Claim 6. (Original) The playlist creation method of claim 1 wherein the programming is audio programming, the undesired items of content are audio commercial announcements, and substitute items are used to replace the audio commercials.

Claim 7. (Original) The playlist creation method of claim 1 wherein a provider of the base channel is identified on a display screen of the user device.

Claim 8. (Original) The playlist creation method of claim 1 wherein the user preference comprises a set of instructions that is stored on a device of the user, the instructions being used to guide the customizer in a selection of items for the user.

Claim 9. (Original) A method for creation of a personalized playlist of programming, the playlist comprising sequentially played identifiable items of content from available sources of program material wherein:

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a user selects a base channel from a streaming broadcast source that includes a playlist of content that may be played on a user device, the playlist of the base channel being immediately unchangeable and identical for a plurality of users;

alternate sources of content offer items that are continuously available for use as substitutions for items of the playlist of the base channel as the base channel plays, at least one substitute item being used in the personalized playlist;

the user reacts to items of the playlist of the base channel, whereby a side channel distinct from the base channel is created that reflects a user preference, the user preference defined at least in part by a user's reactions to items that have played on either of the base channel or the side channel, the side channel including the personalized playlist and being assembled substantially from items of the base channel and the alternate sources;

a customizer operates with the user device to determine in near real time which substitute items are included in the personalized playlist, the customizer using at least two criteria to define a sequence of items to play in the personalized playlist, a first criteria comprising the user preference, and a second criteria comprising a time availability of items streamed by the alternate sources near the moment the customizer determines that a substitute item should be included in the sequence of items played;

a suitable item from an alternate source being buffered in a memory facility linked to the user device before the suitable item is needed for use in the side channel, the suitable item being unidentified to the user unless it is played on the user device;

AI the user reacts negatively to an undesired item of content, and the suitable item plays on the side channel from a beginning of the suitable item immediately after an occurrence of the user's negative reaction;

the user device configured whereby the listener may immediately select either one of the base channel and the side channel.

Claim 10. (Original) The playlist creation method of claim 9 wherein an alternate source comprises a hidden channel, the hidden channel is not available for use as a base channel, and the hidden channel serves a primary function to provide items of content as components for use in assembling personalized playlists.

Claim 11. (Original) The playlist creation method of claim 9 wherein the substitute items have two distinct types of value, a value of creative content and an opportunity value of time availability for use as a substitute item in the side channel.

Claim 12. (Original) The playlist creation method of claim 11 wherein a creator of an item of content receives a royalty payment when the item is used in a playlist of the side channel, and a provider of the alternate source receives an opportunity value payment when an item from the alternate source is substituted into the personalized playlist.

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Claim 13. (Original) The playlist creation method of claim 9 wherein the user preference comprises a set of instructions that is stored on a device of the user, the instructions being used to guide the customizer in an initial selection of items for the user.

Claim 14. (Original) A method for creation of a personalized playlist of programming, the playlist comprising sequentially played items of content wherein:

a user selects a streaming broadcast top channel that includes a playlist of content that may be played on a user device, the top channel being provided by a station that is operated independently of the user, the playlist of the top channel being immediately unchangeable and identical for a plurality of users;

an alternate streaming broadcast source of content is available from which substitute items may be obtained to modify the playlist of the top channel, the substitute items being used in the personalized playlist;

the personalized playlist comprises a combination of items from the top channel with the substitute items, a customizer operating with the user device to determine in near real time which substitute items are included in the personalized playlist;

a beginning point of an item of the alternate source is stored in a computer memory facility immediately accessible by the user device, and further component segments of the item of the alternate source are buffered in a computer memory facility, an identity of the stored item being known by the customizer in advance of the stored item being included in the personalized playlist;

A1 the stored item being played as part of the personalized playlist on the user device from the beginning point of the stored item;

the alternate source comprises a hidden channel, the hidden channel is not available for use as a top channel, and the hidden channel serves a primary function to provide items of content as components for use in assembling personalized playlists.

Claim 15. (Original) The playlist creation method of claim 14 wherein the substitute item has two distinct types of value, a value of creative content, and an opportunity value of time availability for use as a substitute item in the personalized playlist, and a provider of the hidden channel receives an opportunity value payment when the item from the hidden channel is used in the personalized playlist.

Claim 16. (Original) A method for creation of a personalized playlist of programming, the playlist comprising sequentially played items of content wherein:

a user selects a streaming broadcast top channel that includes a playlist of content that may be played on a user device, the top channel being provided by a station that is operated independently of the user, the top channel being available to a plurality of users of a data system;

an alternate streaming broadcast source of content is available from which substitute items may be obtained to modify the playlist of the top channel, the substitute items being used in the personalized playlist;

the personalized playlist comprises a combination of items from the top channel with the substitute items, a customizer operating with the user device to determine in near real time which substitute items are included in the personalized playlist;

a beginning point of an item of the alternate source is stored in a computer memory facility immediately accessible by the user device, and further component segments of the item of the alternate source are buffered in a computer memory facility, an identity of the stored item being known by the customizer in advance of the stored item being included in the personalized playlist;

the stored item being played as part of the personalized playlist on the user device from the beginning point of the stored item;

the substitute items have two distinct types of value, a value of creative content and an opportunity value of time availability for use as a substitute item in the

personalized playlist, and a provider of the alternate source receives an opportunity value payment from the station when the item is used in the personalized playlist.

Claim 17. (Original) The playlist creation method of claim 16 wherein the station operates as an affiliate of a cooperative network with other stations, and the affiliate stations share resources in the course of assembling playlists for listeners of affiliate stations.

Claim 18. (Original) The playlist creation method of claim 16 wherein the customizer is guided by a combination of a user's own preferences and a style of the station when the customizer performs substitutions of items of content into the personalized playlist.

Claim 19. (Original) The playlist creation method of claim 16 wherein an identity of the station is displayed on the user device.

Claim 20. (Original) A method for navigating the programming of an audio program provider affiliated with a network of other providers in which the provider presents to a user a standardized method for searching, selecting and playing programming, the standardized method being specified by a network operator wherein:
the provider offers a top channel accessible simultaneously by a plurality of users, wherein each user receives substantially a same playlist;

a user reacts to program items that are played on the top channel, a cumulative history of a user's reactions comprising a user preference;

the provider offers an ability to create a first side channel wherein an alternate personal playlist is already prepared when the user reacts in a first manner to a program item of the top channel;

the first side channel includes programming that reflects a combination of a style of the provider of the selected top channel, and the user preference, wherein the user creates a personal playlist of programming in near real time during the course of listening and reacting to a channel of the program provider;

A1 the standardized method includes a multipurpose addressing system using telephone numbers, a telephone number serving at least two functions: a first function being to access a remote voice telephone device, and a second function being to access the programming of the program provider, the program provider thereby being identified by a multipurpose telephone number;

the user being able to use a device to select which of the two functions are served by the telephone number.

Claims 21-22. (Canceled)

IN THE APPLICATION:

As a result of the cancellation of claims by the present amendment, please delete the following named person as an inventor:

Derrell Lipman